

REMARKS

The Examiner issued a prior restriction requirement in an Office Action dated August 15, 2005. Applicant filed a request for clarification of the prior restriction requirement set forth in that Office Action. In the present Office Action, the Examiner did not positively indicate whether the prior restriction requirement has been withdrawn. Applicant can only proceed on the assumption that the present restriction requirement replaced the prior requirement.

Applicant disagrees with the restriction requirement set forth in the Office Action. Applicant provisionally elects, with traverse, Group I (claims 1 – 23) for examination.

The present restriction requirement omitted one of the groups alleged in the earlier restriction requirement. However, Applicant still has trouble understanding the bases for restriction of the three Groups of inventions noted in the present requirement. Without conceding to the merits of such grouping, Applicant will, for purpose of the present response, refer to the Inventions in the manner as identified by the Examiner.

Inventions I & II

Concerning Inventions I and II, the Examiner stated that Inventions I (claims 1-23) and II (Claims 24) are related as combination and subcombination, on the basis that the combination as claimed does not require the particulars of the subcombination as claimed because: Does not require "a locating subplate ..." etc., and that the subcombination has separate utility such as: Could be used in any stamping station. It is unclear to Applicant which of the respective one of Inventions I and II was deemed to be the combination and subcombination. It appears that the Examiner intended to refer to Invention I as the "combination" as it does not require the limitation of "a locating subplate" found in Invention II (claim 24). However, claim 24 recites a system that essentially comprises at least one stamping station; which by nature, the

system is a "combination" that includes the "subcombination" of stamping station recited in claim 1, for example. Even if the Examiner intended to refer to Invention II as the combination and Invention I as the subcombination, the Examiner's reasoning also does not make sense. The restriction is therefore improper and must be withdrawn.

Further, Applicant also does not understand the Examiner's statement that "the subcombination has separate utility such as could be used in any stamping station". Since the Examiner was referring to Invention II as the subcombination, the Examiner's statement does not make sense. Even if the Examiner was referring to Invention II as the combination, it is noted that both the apparatus recited in claim 1 (or the system recited in claim 11) and the system recited in claim 24 have similar utility: that is, to stamp parts.

Applicant notes that both of the above requirements under MPEP 806.05(c) must be met to support a restriction of combination and subcombination. As demonstrated above, at least one of the requirements under MPEP 806.05(c) has not been met.

In view of at least the foregoing, Applicant respectfully requests the Examiner to clarify the basis for restricting Inventions I and II.

Inventions I and III

Concerning Inventions I and III, the Examiner stated that Inventions I (claims 1-23) and III (claims 25-28) are related as process and apparatus for its practice, and that the apparatus can be made by a materially different process, such as that not utilizing one or more stamping stations. However, as noted above, Invention I (claims 1-23) is directed to an apparatus or system having a structure configured for stamping parts. Invention III (claim 25-28) is directed

to a process of stamping parts using a stamping apparatus, not a process for making the apparatus!

In view of at least the foregoing, restriction between Inventions I and III should be withdrawn.

Inventions II and III

Concerning Inventions II and III, the Examiner stated that Inventions II (claim 24) and III (claims 25-28) are related as process and apparatus for its practice, and that the apparatus can be used to practice another and materially different process, such as that not restricted to an optoelectronic part. However, neither Invention II (claim 24) nor the main claims 25 and 26 of Invention III are directed to optoelectronic parts. Optoelectronic part is recited only in dependent claims 27 and 28.

In view of at least the foregoing, restriction between Inventions II and III should be withdrawn.

Claim Amendments

Notwithstanding the traversal of the restriction requirements, in the interest of forwarding this case to early examination without further delay at the preliminary stage, Applicant amended claims 24 to 28 to depend on claim 11. Applicant respectfully submits that the claims as amended being dependent claims are clearly not subject to restriction and should be substantively examined with the elected group. Applicant respectfully requests the Examiner to take into consideration the comments noted above, should the Examiner issue further restriction

requirements. The Examiner is urged to set forth a clear and concise basis should the Examiner require similar restrictions as those set forth in the present Office Action, so that the Applicant can adequately respond to the Examiner's restriction concerns. Applicant should not be burdened to guess what the Examiner intended, and to allocate resources to respond to further inappropriate restriction requirements.

CONCLUSION

In view of all the foregoing, withdrawal of the restriction requirement is respectfully requested, and all pending claims should proceed to search and substantive examination. The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.

Respectfully submitted,



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